IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 9116 OF 2004

VINOD MURLI SAVLA .. PETITIONER

Versus

JITENDRA KARSANDAS THAKKAR & ORS... RESPONDENT

Mr. Anil Singh with D. R. Shah for petitoner

Mr. G. S. Godbole with Vinod Thakkar for respondent 1 to 7

Mr. Ashish Ghadge for R-8 to 11, 13 & 14.

Shri Vishal Thakkar with Chaitra Rao for R.Nos.15 & 16.

CORAM:-SMT. RANJANA DESAI, J.

DATED:-10-3-2005

P.C.

This petition was heard by this court for some time for admission. Extensive submissions were made by the learned counsel for the petitoner as well as by learned counsel for the respondents.

2. Basically the dispute is as regards right of access of the petitioners to the open space through the main gate. In my opinion, in the peculiar facts and circumstances of the case without expressing any opinion on the merits of the case, a direction needs to be given to the trial court to dispose of the suit expeditiously and within the time frame laid down by this court.

3. It appears that amendment application has been made by the petitioner. The trial court will have to dispose of that amendment application also within a time frame laid down by this court.

4. The learned counsel for the petitioner states that the petitioner is desirous of making an application for appointment of commissioner. If such an application is made that application needs to be decided in accordance with law. Hence the following order:

> "Suit No. 501 of 2001 pending on the file of Small Causes Court at Mumbai, Bandra Branch is expedited.
>
> The trial court is directed to hear and dispose of the suit as expeditiously as possible and at any rate within a period of one year from the date of receipt of this order by it. The parties are expected to cooperate.
>
> The amendment application made by the petitioners shall be decided by the trial court

within a period of two months from today. If any application is made for appointment of Commissioner that application may be decided by the trial court within a period of one month.

It is clarified that this court has not expressed any opinion on the merits of the case and all applications and the suit will be decided by the trial court independently and in accordance with law. The status quo granted by order dated 3/7/2001 in Interim Notice No. 1008 of 2001 shall continue to operate during the pendency of the suit.

Writ Petition is disposed of in the aforestated terms.

.....